

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DARREN HEYMAN,

VS.

STATE OF NEVADA EX REL. BOARD OF  
REGENTS OF THE NEVADA SYSTEM OF  
HIGHER EDUCATION ON BEHALF OF  
UNIVERSITY OF NEVADA, LAS VEGAS, et al.

Defendant.

## BACKGROUND

No. 1. *See Plf's Mtn. to Compel* (ECF No. 229), 9-10. Defendant Montgomery argues that Plaintiff failed to meaningfully meet-and-confer and that her supplemental responses satisfy the Court's order granting, in part, Plaintiff's second motion to compel. *See Opp.* (ECF No. 231).

## **DISCUSSION**

### **1. Request for Production No. 1.**

The Court instructed Defendant to produce nonprivileged documents containing information regarding possible cheating on the May 2013 Q-Exam, including documents that contain communications between individuals regarding the investigation or statements regarding whether Plaintiff may have intended to cheat on the Q-Exam. *See Order* (ECF No. 198), 13. In her supplemental response, Defendant stated that "[she has] nothing responsive to this request in my custody or control. I know what is contained in my files and confirmed by searching my desk within my office and filing cabinets." *See Mtn to Compel* (ECF No. 229), Exhibit E. Defendant represents that she does not have any relevant documents in her possession, custody or control and that searches of her email and facebook were conducted. *See Opp* (ECF No. 231), 6. Based on Defendant's representations in her Opposition (ECF No. 231), it appears that she made a reasonable inquiry to locate and produce responsive documents to Request for Production No. 1. Defendant is instructed to supplement her response to Request for Production No. 1 to fully describe the search she conducted for responsive documents as represented in her Opposition.

### **2. Interrogatory No. 6.**

The Court instructed Defendant to provide access to her social media accounts to her counsel to allow her counsel to review the content of those accounts and produce any relevant, nonprivileged content contained therein. *See Order* (ECF No. 198), 14. Defendant represents that her counsel conducted a search of her Facebook account. It is unclear whether Defendant's Facebook account is her only social media account. Defendant is instructed to allow her counsel to access and review all social media accounts that may contain information relevant to the claims of this action, including social media accounts beyond Facebook. Defendant's counsel is instructed to provide a certification to Plaintiff that she reviewed all of Defendant Montgomery's social media accounts. Accordingly,

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**IT IS HEREBY ORDERED** that Plaintiff's Eleventh Motion to Compel (ECF No. 229) is **granted**, in part, as discussed herein. Defendant shall serve her supplemental responses to these discovery requests within ten (10) days of the filing of this order.

DATED this 27th day of December, 2017.

  
GEORGE FOLEY, JR.  
United States Magistrate Judge